

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Hiroshi Yahata, et al.

Serial No.: 10/561,087

Filed: December 16, 2005

For: RECORDING MEDIUM, RECORDING  
METHOD, REPRODUCTION  
APPARATUS AND METHOD AND  
COMPUTER-READABLE PROGRAM

Patent Examiner: Wendmagegn, Girumsew

Group Art Unit: 2621

June 23, 2008

**37 CFR § 1.131 DECLARATION OF HIROSHI YAHATA**

I, Hiroshi Yahata, declare as follows:

1. I am a co-inventor of an invention entitled Recording Medium, Reproduction Apparatus, Recording Method, Reproducing Method, Program and Reproduction Method of PCT/JP2004/009517 filed on June 29, 2004 along with Wataru Ikeda, Tomoyuki Okada and Joseph McCrossan. Our work on this invention was reduced to written form and recorded in the United States Patent Office as U.S. Provisional Application No. 60/483,228 on June 30, 2003 and subsequently was included in U.S. Patent Application Serial No. 10/561,087 filed on December 16, 2005.

2. My work was performed as an employee of Matsushita Electric Industrial Co., Ltd., the assignee of the above identified application.

3. I hereby affirm that Tomoyuki Okada's and Joseph McCrossan's respective work on U.S. Patent Application Serial No. 10/561,087 included reproducing a digital stream

generated by multiplexing a video stream and a graphics stream including the provision of a graphic stream with a sequence of a plurality of packets containing control information. The control information could indicate when graphic data contained in a proceeding packet in the sequence could be displayed at a predetermined time in a state of being overlaid on the video stream. The control information could designate coordinates of a Window to provide a convenient manner of permitting a reproduction apparatus to combine graphics with pictures to lessen the load of software on the reproduction apparatus. A video decoder decoded the video stream to generate a moving picture and a graphic decoder decoded the graphics stream to generate graphics. Mr. Okada and Mr. McCrossan further provided a timeline, such as EPOCHS, a memory for storing a graphics plane for a screen and an object buffer that could store the decompressed graphics data for implementing our invention. They also provided specific Display Sets including not only the EPOCHS start, but an Acquisition Point and a Normal Case to enable the realization of the invention as defined in Claims 7, 13 and 15.

4. The Office Action of June 10, 2008 rejected Claims 7, 13 and 15 by citing Figure 26 and teachings from the PCT Publication No. WO 2004/098193 A2 under 35 USC §102(e). The information set forth and disclosed in the corresponding Figure 26 and specification pages relied upon in the Office Action to reject the claims at issue including, but not limited to, Page 3 lines 11-22, Page 5, Paragraph 0092 and Page 44 line 4-6 and the corresponding portions in Figure 26 represents the work of Joseph McCrossan and Tomoyuki Okada that also contributed to an effective priority date for WO 2004/098193 A2.

5. I am not an inventor of the subject matter of the Claims 7, 13 and 15 that are directed respectively to reproducing a digital stream generated by multiplexing a video stream and a graphic stream in such a manner that graphic data contained in a preceding decoded packet

is transferred to a plane memory based on control data in the graphics data and recording application data to a recording medium which includes a graphics stream as a sequence of packets which include control data which indicates that graphics data contained in a preceding packet is to be displayed at a predetermined time in a state of being overlaid on a video stream. Mr. Okada and Mr. McCrossan provided the respective subject matter of Claims 7, 13 and 15 as part of their contribution to U.S. Patent Application Serial No. 10/561,087.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Executed on July 3<sup>rd</sup>, 2008, at Osaka, Japan.

  
Hiroshi Yahata